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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,519	08/29/2001	Xiaoming Gu	280/50357	5214

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CROWELL & MORING LLP
P.O. Box 14300
Washington, DC 20044-4300

EXAMINER

WILLIAMS, ERIC M

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,519

Applicant(s)

GU, XIAOMING

Examiner

Eric M Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is in response to the papers filed 06-12-2003 for serial number 09/940,519.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/12/2003 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 4, 6-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Avers ('035).

Avers discloses a multiplate clutch (Figs. 1, 3) comprising plural friction plates (22) and plural separator plates (24a, 24b), wherein the separator plates are groove free, wherein between each two friction plates arranged adjacent to each other, at least two of the separator plates are disposed separably from each other and the separator

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plates are free to move independently of one another (the separator plates are free to move independently and are separably disposed as a result of the elastic material 24c allowing axial movement of the separator plates relative to one another), the separator plates having a thin member Fig. 3 (24c) that is interposed between the separator plates and being "coated" Fig. 3 (24e, 24b) via adhesion (column 4 lines 32-35) to the thin member Fig. 3 (24g). Avers also discloses the separator plates having a thickness between .01 and .09 inches (equivalent to between .254 mm and 2.286 mm falling in the range of Applicant's .5 mm to 1.52 mm, Abstract).

With respect to claim 8, the thin member (24c) disclosed by Avers is a resilient/elastic member and the separator plates (24a, 24b) are connected with each other. The thin member between the two separator plates is resilient and is used for vibration dampening and impact absorption (Abstract and column 4 lines 27-40).

With respect to claim 12, Avers teaches an elastic material (24c) as any material having elastic properties (column 4 lines 28-40), therefore, a material demonstrating resilient/elastic properties such as one recited in claim 12 is anticipated by the teaching of Avers.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avers ('035) in view of Ueno et al. JP 405231443A.

Avers discloses all the limitations of claims 5 and 10, but lacks any specific disclosure of the separator plates being machined. Ueno et al. teaches machining separator plates in a wet multiple disk clutch to improve durability (Constitution). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bauer such that the separator plates were machined, in view of Ueno, to improve the durability of the separator plates and the wet multiple disk clutch.

Response to Arguments

7. The Avers ('035) reference was previously applied in the Office sent 08-28-2002.

8. Applicant's arguments with respect to claims 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claim 7, Applicant argues "separably" means free to move independently of one another and the Bauer reference does not disclose separator plates able to freely move independently of each other. Applicant's definition of separably (Specification, page 6 lines 8-14) is, "...even when each to mutually adjacent separator plates are adhered and fixed with each other with a thin member interposed therebetween, the separator plates can slightly move in an axial direction owing to elasticity of the thin member." The separator plates moving slightly in an axial direction

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owing to the elasticity of the thin member constitutes "separably" and "moving independently" as recited in the claims. Therefore Aver's teaching of two separator plates with a thin elastic member interposed therebetween and the elastic member allowing independent axial movement of the separator plates, meets the limitations of claim 7.

With respect to claim 8, the Applicant's argument that the Bauer reference does not disclose a thin member with sufficient resiliency to allow for impact absorption and vibration dampening is rendered moot by the application of the Avers reference. Avers discloses two separator plates with a resilient/elastic member (24c), wherein the resilient member provides sufficient resiliency to reduce vibrations and allow for impact absorption.

Response to Amendment

9. The reply filed on 06-12-2003 is not fully responsive because it fails to include a complete or accurate record of the substance of the interview on 06-04-2003.

Conclusion

10. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued

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examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.



EMW
June 28, 2003


Richard M. Lorence 6/28/03
Primary Examiner
AU 3681